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# STATE REGISTER

STATE OF MINNESOTA

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October 21, 1985

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### Printing Schedule for Agencies

Issue Number	*Submission deadline for Executive Orders, Adopted Rules and **Proposed Rules	*Submission deadline for State Contract Notices and other **Official Notices	Issue Date
SCHEDULE FOR VOLUME 10			
18	Monday October 14	Monday October 21	Monday October 28
19	Monday October 21	Monday October 28	Monday November 4
20	Monday October 28	Monday November 4	Monday November 11
21	Monday November 4	Friday November 8	Monday November 18

\*Deadline extensions may be possible at the editor's discretion; however, none will be made beyond the second Wednesday (12 calendar days) preceding the issue date for rules, proposed rules and executive orders, or beyond the Wednesday (5 calendar days) preceding the issue date for official notices. Requests for deadline extensions should be made only in valid emergency situations.

\*\*Notices of public hearings on proposed rules and notices of intent to adopt rules without a public hearing are published in the Proposed Rules section and must be submitted two weeks prior to the issue date.

Instructions for submission of documents may be obtained from the Office of the State Register, 506 Rice Street, St. Paul, Minnesota 55103, (612) 296-0930.

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How to Follow State Agency Rulemaking Action in the State Register

State agencies must publish notice of their rulemaking action in the State Register. If an agency seeks outside opinion before promulgating new rules or rule amendments, it must publish a NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION also.

The PROPOSED RULES section contains:

- Calendar of public hearings on proposed rules.
• Proposed new rules (including notice of hearing and/or notice of intent to adopt rules without a hearing).
• Proposed amendments to rules already in existence in the Minnesota Rules.
• Proposed emergency rules.
• Withdrawal of proposed rules (option; not required).

The ADOPTED RULES section contains:

- Notice of adoption of new rules and rule amendments adopted without change from the previously published proposed rules. (Unchanged adopted rules are not republished in full in the State Register unless an agency requests this.)
• Adopted amendments to new rules or rule amendments (adopted changes from the previously published proposed rules).
• Notice of adoption of emergency rules.
• Adopted amendments to emergency rules (changes made since the proposed version was published).
• Extensions of emergency rules beyond their original effective date.

The OFFICIAL NOTICES section includes (but is not limited to):

- Notice of intent to solicit outside opinion before promulgating rules.
• Additional hearings on proposed rules not listed in original proposed rules calendar.

ALL ADOPTED RULES and ADOPTED AMENDMENTS TO EXISTING RULES published in the State Register and filed with the Secretary of State before July 31, 1983 are published in the Minnesota Rules 1983. ADOPTED RULES and ADOPTED AMENDMENTS TO EXISTING RULES filed after July 31, 1983 will be included in a supplement scheduled for publication in mid-1984. Proposed and adopted EMERGENCY (formerly called TEMPORARY) RULES appear in the State Register but are generally not published in the Minnesota Rules 1983 due to the short-term nature of their legal effectiveness. Those that are long-term may be published.

The State Register publishes partial and cumulative listings of rule in the MINNESOTA RULES AMENDMENTS AND ADDITIONS list on the following schedule:

Table with 2 columns: Issue/Rule Number and Issue Number. Includes entries like 'Issues 1-13, inclusive' and 'Issue 39, cumulative for 1-39'.

The listings are arranged in the same order as the table of contents of the Minnesota Rules 1983.

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## PROPOSED RULES

Pursuant to Minn. Stat. of 1982, §§ 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
2. that no public hearing will be held unless 25 or more persons make a written request for a hearing within the 30-day comment period;
3. of the manner in which persons shall request a hearing on the proposed rules; and
4. that the rule may be modified if the modifications are supported by the data and views submitted.

If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

Pursuant to Minn. Stat. §§ 14.29 and 14.30, agencies may propose emergency rules under certain circumstances. Proposed emergency rules are published in the *State Register* and, for at least 25 days thereafter, interested persons may submit data and views in writing to the proposing agency.

## Department of Public Safety

### Proposed Rule Relating to Physical and Mental Qualifications for Driver's License Notice of Intent to Adopt Rules without a Hearing

Notice is hereby given that the State Department of Public Safety is proposing to adopt the above entitled rules without a public hearing. The Commissioner of Public Safety has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow procedures set forth in Minn. Stat. Sections 14.21 through 14.28.

Persons interested in these rules shall have 30 days to submit comments in support of or in opposition to the proposed rules. Public comments are encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for comment, and any change proposed. The proposed rules may be modified prior to final adoption if modifications are supported by the data and views submitted to the Department of Public Safety and do not result in a substantial change in the proposed language.

If 25 or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will be held. The written request must be specific on which rule(s) a hearing is desired. Identification of the portion

**KEY: PROPOSED RULES SECTION** — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

## PROPOSED RULES

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of the proposed rule addressed, the particular objection, the suggested modifications, and the reasons or data relied upon to support the suggested modifications are requested. Any person requesting a public hearing should state his or her name and address. In the event a public hearing is required, the department will proceed according to the provisions of Minn. Stat. Sections 14.13 through 14.20.

Persons who wish to submit comments or a written request for a public hearing, or persons who wish to receive a free copy of this notice and/or a free copy of the proposed rules, should address their correspondence to the address below and include the name of the rulemaking:

Department of Public Safety  
211 Transportation Building  
St. Paul, MN 55155

The Department's authority to adopt the proposed rules is contained in Minnesota Statute sections 171.04; 171.13; 171.14. A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available free from the Department of Public Safety upon request to the above address.

The department has considered the requirements of Minn. Stat. Section 14.115 and has determined that the proposed rules do not directly affect small businesses.

Upon adoption of the final rules without a public hearing, the proposed rules, this Notice, the Statement of Need and Reasonableness, all written comments received, and final Rules as Adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the date of submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written request to the above address.

Please be advised that Minn. Stat. Chapter 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. Minn. Stat. Section 10A.01, subdivision 11 defines a lobbyist as any individual: (a) engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than \$250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or (b) who spends more than \$250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials. The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, telephone (612) 296-5615.

The department estimates that there will be no cost to local public bodies in the state to implement the rules for the two years immediately following their adoption, within the meaning of Minnesota Statutes Section 14.11, subdivision 1. Any costs incurred by local jurisdictions in the permit issuance process can be recovered through imposition of a fee authorized by the rules.

A copy of the proposed rules is attached to this notice.

Paul J. Tschida  
Commissioner of Public Safety

### Rule as Proposed

#### 7410.2500 LOSS OF CONSCIOUSNESS OR VOLUNTARY CONTROL.

Subparts 1. to 4. [Unchanged.]

Subp. 5. **Review of driver's condition.** Except as otherwise provided below, any driver suffering from medical conditions subject to this part shall be required to submit an annual physician's statement in the form prescribed by the commissioner, with respect to his medical history, present situation, and the prognosis with respect to the applicant's ability to operate a motor vehicle with safety to himself and others.

A. [Unchanged.]

B. After three successive annual physician's statements indicating no episodes of loss of voluntary control, while ~~on~~ off medication, the commissioner shall require a physician's report every four years, unless the physician recommends more frequent reports.

C. and D. [Unchanged.]

## ADOPTED RULES

The adoption of a rule becomes effective after the requirements of Minn. Stat. § 14.14-14.28 have been met and five working days after the rule is published in *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

An emergency rule becomes effective five working days after the approval of the Attorney General as specified in Minn. Stat. § 14.33 and upon the approval of the Revisor of Statutes as specified in § 14.36. Notice of approval by the Attorney General will be published as soon as practicable, and the adopted emergency rule will be published in the manner provided for adopted rules under § 14.18.

### Board of Dentistry

#### Adopted Rule Relating to Fees

The rule proposed and published at *State Register*, Volume 9, Number 51, pages 2698-2700, June 17, 1985 (9 S.R. 2698) is adopted as proposed.

### Department of Education Partnership Division

#### Adopted Rule Relating to License to Teach Auto and Truck Dismantling

The rule proposed and published at *State Register*, Volume 9, Number 37, pages 1995-1996, March 11, 1985 (9 S.R. 1995) is adopted as proposed.

## OFFICIAL NOTICES

Pursuant to the provisions of Minn. Stat. § 15.0412, subd. 6, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

The *State Register* also publishes other official notices of state agencies, notices of meetings, and matters of public interest.

### Ethical Practices Board

#### Request for Advisory Opinion Re: Reporting Requirements

The Minnesota State Ethical Practices Board solicits opinions and comments on the following request for an advisory opinion which will be discussed at its October 24, 1985, Board meeting. Comments concerning the opinion request should be forwarded to the Board's office.

October 8, 1985  
Mary Ann McCoy, Executive Director  
Minnesota Ethical Practices Board  
Room 41 State Office Building  
St. Paul, MN 55155

Dear Ms. McCoy:

Pursuant to our phone conversation of today, I am requesting an advisory opinion from the Ethical Practices Board as to my intention to distribute a letter throughout Senate District 4. (Letter enclosed.) I consider this letter to be informational and educa-

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## OFFICIAL NOTICES

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tional in nature and designed to inform voters in Senate District 4 as to some of the activities in the Minnesota legislature of Senator Gerald Willet of District 4.

The question for the Board to address is whether constituent communications of this type fall within the jurisdiction of the Board.

Thank you very much.

Sincerely,  
Robert W. Mattson  
State Treasurer

October 7, 1985  
Senator Gerald L. Willet  
121 Capitol  
St. Paul, MN 55155

Dear Gerry:

The purpose of this letter is two-fold. First, I want to express to you directly my strong disagreement with your counsel and advice to the Governor at the Legislative Advisory Commission meeting of last Thursday. I thought your opposition with respect to the funding for AIDS research, protection of customer deposits through examination of rural banks, and funding for the State Treasurer's office was ill-advised and a mistake.

As I testified at that hearing and as you acknowledged, you were a prime architect of the effort to illegally and unconstitutionally strip the office of State Treasurer of its duties. I protested this effort while the issue was before your committee, attempted to contact you by telephone which phone calls you failed to return and furnished you with the opinion of the Attorney General, Miles Lord, all of which you failed to acknowledge. As a result you perpetrated legislation which is clearly unconstitutional and which is to be challenged. When the full senate was advised of your efforts it voted overwhelmingly to reject your inappropriate legislation and even then you failed to represent the senate's wishes as a member of the conference committee of appropriations.

Secondly, I view your efforts with such despair that I believe it incumbent upon me to distribute copies of this letter in your senate district so that your constituents may know of what I consider to be your abuse of power in the legislature and so that the public may engage in a full dialogue on this issue.

Sincerely yours,  
Robert W. Mattson

## Department of Human Services Assistance Payments Division

### Outside Opinion Sought Concerning Proposed Rules Governing the General Assistance Program Including Minimum Standards of Assistance and Reduced Standards of Assistance

Notice is hereby given that the Minnesota Department of Human Services is seeking information or opinions from sources outside the agency in preparing to promulgate permanent rules governing the General Assistance Program including minimum standards of assistance and reduced standards of assistance.

The promulgation of permanent rules is authorized by Laws of Minnesota 1985, First Special Session, Article II, Chapter 9, Sections 55 and 56.

The Minnesota Department of Human Services requests information and comments concerning the subject of these rules. Interested or affected persons or groups may submit statements of information or comment orally or in writing.

Written statements should be addressed to:

Rae Bly  
Rulemaking Division  
Department of Human Services  
444 Lafayette Road, 6th Floor  
St. Paul, MN 55101

Oral statements of information and comment will be received over the telephone at (612) 297-1489 between the hours of 9:00 a.m. and 4:00 p.m.

All statements of information and comment shall be accepted until further notice. Any written material received by the Minnesota Department of Human Services shall become a part of the rule file in the event that the rules are promulgated.

## **Metropolitan Council**

### **Revised Review Schedule: Amendment to Solid Waste Management Development Guide/Policy Plan**

The Minnesota Waste Management Act requires the Metropolitan Council to revise its Metropolitan Development Guide/Policy Plan on Solid Waste Management to address certificate of need standards. Metropolitan Council review of this document is in progress. Amendments currently being proposed deal with the inclusion of procedures and standards for issuing certificates of need for new land disposal capacity for mixed municipal solid waste.

The following is the tentative schedule for review of the amendments. It replaces previously published schedules.

October 16, 1985	Metropolitan Council Environmental Resources Committee approves draft amendments and recommends public hearing date.
October 24, 1985	Metropolitan Council approves draft amendments and sets public hearing date.
December 11, 1985	Public hearing.
December 26, 1985	Hearing record closes.
January 21, 1986	Solid Waste Management Advisory Committee reviews hearing report and recommends adoption of final amendments.
February 5, 1986	Environmental Resources Committee reviews hearing report and recommends adoption of final amendments.
February 13, 1986	Metropolitan Council adopts final amendments.

A subsequent notice of public hearing will be published. If you have questions regarding the schedule or amendments, call Carl Michaud of the Council's Parks and Environmental Planning staff at 291-6579.

## **Pollution Control Agency**

### **Permanent List of Priorities Among Releases or Threatened Releases of Hazardous Substances, Pollutants or Contaminants**

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (MPCA) is publishing for public comment a proposed update of the Permanent List of Priorities among releases or threatened releases of hazardous substances, pollutants or contaminants for which the MPCA may take removal or remedial actions. The statutory basis for and an explanation of the MPCA's Permanent List of Priorities (PLP) is discussed below.

Pursuant to the Environmental Response and Liability Act (ERLA), Minn. Stat. Section 115B.17 (1984), the MPCA is authorized to take any removal or remedial action which the MPCA deems necessary to protect the public health or welfare or environment whenever there is a release, or substantial threat of release, from a facility of any pollutant or contaminant which presents an imminent and substantial danger to the public health, welfare or environment or whenever a hazardous substance is released or there is a threatened release of a hazardous substance from a facility.

Minn. Stat. Section 115B.17, Subd. 13 (1984) requires the MPCA to establish priority rules among releases or threatened releases of hazardous substances, pollutants or contaminants. The priority rules, Minn. Rules Chapter 7044, became effective on July 10, 1984.

Minn. Stat. Section 115B.17, Subd. 13 (1984) also requires the MPCA to adopt a permanent priority list and to modify the list from time to time according to the criteria set forth in the priority rules. Before any list is established, it must be published in the *State Register* to allow for a 30-day public comment period. This notice is therefore published to inform the public that the MPCA is proposing to amend its PLP and to solicit public comments on the proposed modifications.

These modifications to the proposed PLP is an update of the list published October, 1984, and is hereinafter referred to as the "proposed November 1985 Update of the PLP." The proposed November 1985 Update of the PLP was developed according to the process set forth in Minn. Rules 7044.0400. Each site listed has been ranked using the modified Hazard Ranking System (HRS)

## OFFICIAL NOTICES

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method, as required by Minn. Rules 7044.1000. Each site has also passed the prescreening test of Minn. Rules 7044.1200 for eligibility.

The numerical scores generated by the HRS scoring process should not be interpreted as exact number priorities. The scores shown indicate the relative ranking and general classification of sites, but sites with scores within approximately ten points of each other may be considered roughly equivalent in terms of a known or possible public health or environmental threat.

Generally, the cleanup of a hazardous waste site involves a three phase program:

- 1) Remedial Investigation/Feasibility Study—investigation of the extent, magnitude and nature of the release or threatened release, and identification and selection of the most cost effective removal or remedial action(s), and
- 2) Remedial Design—detailed design of the selected cost effective removal or remedial action(s), and
- 3) Response Action—implementation of removal or remedial action(s).

All sites listed on the proposed November, 1985 Update of the PLP have been assigned to one or more response action classes as required by Minn. Rules 7044.0300. (The terms response action, removal action, and remedial action are defined in Minn. Stat. § 115B.02). The proposed November, 1985 Update of the PLP is presented by response action class. Each of the four response action classes is defined as follows:

**CLASS A—Declared emergencies.** This class includes those sites at which an emergency has been declared by the MPCA Director pursuant to ERLA. According to Minn. Rules 7044.0200, an "emergency" means that there is an imminent risk of fire or explosion, that a temporary water supply is needed where an advisory has been issued, or that immediate adverse human health effects may be anticipated due to direct contact or inhalation, and an advisory has been issued. An "advisory" means a warning by the MPCA Director, Minnesota Department of Health, Minnesota Department of Natural Resources, or the Minnesota Department of Agriculture issued to the public concerning a hazardous substance, or pollutant or contaminant at or near a site.

**CLASS B—Operation and maintenance/long-term monitoring of completed response actions.** This class includes those sites where response actions have been completed and long-term monitoring of these completed response actions is in progress. This class also includes those sites where activities are necessary to operate and maintain response action(s) that have previously been completed. Examples include continuing operation of a ground water pump-out system at a site, long-term monitoring, and work necessary to maintain the integrity of the site, such as maintaining cover or closure at a site.

**CLASS C—Response actions necessary or in progress or first year operation and maintenance at a site.** This class includes all sites where remedial design and implementation of response actions (other than Class A or B) such as barrel removals, soil decontamination, first year ground water pump-out or monitoring are necessary to effect a permanent remedy or cleanup of the sites.

**CLASS D—Remedial investigations and feasibility studies (RI/FS) necessary or in progress.** This class includes all sites which require investigation of the extent, magnitude and nature of the release or threatened release (RI) and analysis of alternatives and selection of the most cost effective response action(s) (FS).

All sites in the four classes are presented in order of their modified HRS Score. Sites that are listed or proposed for listing on the National Priority List (NPL) are so indicated. Consent orders or stipulation agreements are noted if such agreements have been executed between the MPCA and the responsible party(ies).

Major changes in the proposed November, 1985 Update of the PLP from the October 1984 PLP include additions to and deletions from the list, changes in HRS Scores, changes in the classification of each site and changes in NPL status.

Additions to the proposed November, 1985 Update of the PLP (in order of modified HRS Score) include the following fourteen sites: Dakhue Sanitary Landfill, Flying Cloud Sanitary Landfill, Tonka Main Plant, Battle Lake Area Sanitary Landfill, Waite Park Ground Water Contamination, Atwater Municipal Well Field, Louisville Sanitary Landfill, Spring Grove Municipal Well Field, Houston County Sanitary Landfill, Northwoods Sanitary Landfill, Meeker County Sanitary Landfill, Greater Morrison Sanitary Landfill, Former McKay Manufacturing Company, and Polymetal Products, Inc.

Deletions from the proposed November, 1985 Update of the PLP include the following three sites: Lost Lake Dump Site, Morris Arsenic Site and Northern Township Ground Water Contamination Site. Through analysis of ground water at the site, the Lost Lake Dump Site was found not to be a source of a release of hazardous substances to the environment. A remedial investigation conducted at the Morris Arsenic Site found arsenic concentrations in the soil and ground water to be within the range of natural background levels for Minnesota and found no evidence of a release from the site. Lastly, the Northern Township Ground Water Contamination Site has been incorporated into the Kummer Sanitary Landfill Site.

Twelve HRS Scores are being changed on the proposed November, 1985 Update of the PLP from the October 1984 PLP. These changes have occurred due to the development of additional site information and/or the revision of HRS Scores after undergoing the U.S. Environmental Protection Agency's (EPA) quality assurance review. The HRS score changes are as follows: Advance Transformer/Ironwood Sanitary Landfill (16 to 43), East Bethel Demolition Landfill (40 to 31), Freeway Sanitary Landfill (38 to

46), Koch Refining/N-Ren (52 to 31), Kurt Manufacturing (40 to 31), Long Prairie Ground Water Contamination (40 to 32), MacGillis & Gibbs (56 to 48), Bell Lumber & Pole Company (56 to 48), Nutting Truck and Caster Company (51 to 38), Oak Grove Sanitary Landfill (48 to 43), St. Augusta Sanitary Landfill (25 to 45), and Wabasha County Sanitary Landfill (35 to 22).

The proposed November, 1985 Update of the PLP proposes classification changes from the October, 1984 PLP at thirty-six sites. Changes in classification come as a result of a variety of reasons, including for instance completion of all tasks required for a site, or reassessment of the cleanup tasks required at a site following acquisition of additional site information.

The proposed changes in classification are as follows: Adrian Municipal Well Field (A, C, D to C, D), Advance Transformer/Ironwood Sanitary Landfill (B, C to C, D), Anoka Municipal Sanitary Landfill (D to C, D), Boise Cascade Paint Waste Dump (C, D to B), Clay County Sanitary Landfill (D to C, D), Crow Wing County Sanitary Landfill (D to C, D), DNR-Duxbury Pesticide Site (C, D to C), DNR-Nett Lake/Orr Pesticide Site (C, D to B), FMC (B, D to C), 43 East Water Street (C, D to C), Freeway Sanitary Landfill (D to C, D), General Mills/Henkel (C, D to C), Hastings Dump (B, C, D to B), Honeywell, Inc. (C, D to C), Hopkins Sanitary Landfill (D to C, D), Koch Refining/N-ReN (D to C, D) Koppers Coke (B, C, D to C, D), La Grand Sanitary Landfill (D to C, D), LeHillier/Mankato (C, D to C), Long Prairie Ground Water Contamination (A, C, D to C, D), Twin Cities Army Ammunition Plant/New Brighton/Arden Hills (A, C, D to C, D), Northwest Refinery (C to C, D), Nutting Truck & Caster Company (D to C, D), Oakdale Dump (B, C to B), Olmsted County Sanitary Landfill (D to C, D), PCI, Inc. (C, D to B), Perham Arsenic Site (C to B), St. Augusta Sanitary Landfill (D to C, D), 3M Chemolite (D to C, D), U.S. Naval Industrial Reserve Ordnance Plant (D to C, D), Wabasha County Sanitary Landfill (D to C, D), Wadena Arsenic Site (C, D to C), Waseca County Sanitary Landfill (D to C, D), Washington County Landfill (B, C to C) Western Lake Superior Sanitary District Landfill (D to C, D), and Whittaker Corporation (C, D to B).

Changes in NPL status occurred at five sites from the October, 1984 PLP to the proposed November, 1985 Update of the PLP. These sites, the status of which has changed from being unlisted on the NPL to being proposed for the NPL, are as follows: East Bethel Demolition Landfill, Freeway Sanitary Landfill, La Grand Sanitary Landfill, Oak Grove Sanitary Landfill, and St. Augusta Sanitary Landfill.

The proposed November, 1985 Update of the PLP lists 99 sites. From the 1984 PLP, which listed 87 sites, the following changes were made: 14 sites are being added, 3 sites are being deleted, and one site was split into two sites (the MacGillis & Gibbs/Bell Lumber Site to MacGillis & Gibbs and Bell Lumber & Pole Company).

The Permanent List of Priorities will be updated annually, as required by Minn. Rules 7044. 0600, according to the criteria set forth in Minn. Rules Chapter 7044. Notice of any future updates of the Permanent List of Priorities will be published in the *State Register* for the purpose of soliciting public comments.

Based upon the above considerations, the proposed November, 1985 Update of the PLP is offered for public comment. Sources of funds for removal or remedial actions at the sites listed include federal superfund (CERCLA), State superfund (ERLA), a combination of both federal and state monies, and funding by the responsible parties, if any exist.

Additional information regarding specific sites on the proposed November, 1985 Update of the PLP may be obtained by contacting the Public Information Office, MPCA, 1935 West County Road B2, Roseville, Minnesota 55113, (612)296-7373.

The MPCA invites members of the public to submit written comments on the proposed November, 1985 Update of the PLP. To be considered all comments must be received by Donna Portner, Minnesota Pollution Control Agency, Division of Solid and Hazardous Waste, 1935 West County Road B2, Roseville, Minnesota 55113, no later than 4:30 p.m., November 19, 1985.

All written comments submitted by November 19, 1985, will be considered by the MPCA in the establishment of the November, 1985 Update of the PLP.

**State of Minnesota  
Environmental Response and Liability Act  
Permanent List of Priorities**

**November, 1985**

**CLASS A SITES  
Declared Emergencies**

<u>Site</u>	<u>Score</u>	<u>NPL</u>	<u>Comments</u>
Waite Park Ground Water Contamination	32	P	ERLA funded
Atwater Municipal Well Field	31		ERLA funded
Spring Grove Municipal Well Field	28		ERLA funded
Askov Ground Water Contamination	18		ERLA funded

**CLASS B SITES**

**Operation and Maintenance/Long Term Monitoring of Completed Response Actions**

<u>Site</u>	<u>Score</u>	<u>NPL</u>	<u>Comments</u>
Boise Cascade/Medtronic, Fridley	59	X	Consent Order 1/25/84
Oakdale Dump	59	X	Consent Order 7/26/83
PCI, Inc., Shakopee	52		Stipulation Agreement 6/25/85
Whittaker Corporation	40	X	Request for Response Action 4/23/85
Perham Arsenic Site, Otter Tail County	38	X	ERLA funded
Hastings Dump	31		
Boise Cascade Paint Waste Dump, Ranier	17		Consent Order 6/25/85
Hutchinson Technology, Inc., Hutchinson	9		Cleanup Completed 9/24/84
3M Kerrick Disposal Site, Kerrick	9		Consent Order 1/24/84
DNR-Nett Lake/Orr Pesticide Site	9		Cleanup Completed 11/30/84

**CLASS C SITES**

**Response Actions Necessary or in Progress First Year Operation and Maintenance**

<u>Site</u>	<u>Score</u>	<u>NPL</u>	<u>Comments</u>
FMC Corp., Fridley	66	X	Consent Order 6/8/83
U.S. Naval Industrial Reserve Ordnance Plant (Navy), Fridley	63	P	Request for Response Action 5/22/84
Boise Cascade/Onan, Fridley	59	X	Court Order 12/28/84
Twin Cities Army Ammunition Plant/New Brighton/Arden Hills	59	X	Amended Request for Response Action 2/26/85
Reilly Tar, St. Louis Park	59	X	CERCLA funded
Koppers Coke, St. Paul	55	X	
St. Regis Paper, Cass Lake	53	X	Consent Order 2/26/85
Pine Bend/Crosby American Landfill, Inver Grove Heights	52	P	Consent Order 4/23/85
Anoka Municipal Sanitary Landfill, Ramsey	51		Consent Order 5/30/85
Waste Disposal Engineering, Andover	51	X	Consent Order, 3/20/84
MacGillis & Gibbs, New Brighton	48	X	
Bell Lumber & Pole, New Brighton	48	X	Consent Order 5/30/85
Burlington Northern, Brainerd	47	X	Consent Order 4/4/85
Ashland Oil, Cottage Grove	46		
Freeway Sanitary Landfill, Burnsville	46	P	
University of Minnesota, Rosemount Research Center	46	P	Response Action Agreement 5/30/85
St. Augusta Sanitary Landfill/St. Cloud Dump, Stearns County	45	P	
Joslyn Mfg. & Supply Co., Brooklyn Center	44	X	Consent Order 5/30/85
Advance Transformer/Ironwood Sanitary Landfill, Spring Valley	43		
Oak Grove Sanitary Landfill, Anoka County	43	P	
Union Scrap, Minneapolis	43	X	
Kummer Sanitary Landfill, Beltrami County	42	P	CERCLA funded
LeHillier/Mankato	42	X	ERLA funded remedial design
Washington County Landfill, Lake Elmo	42	X	Consent Order 10/23/84
Shafer Metal Recycling, Minneapolis	41		
Arrowhead Refinery Co., Hermantown	40	X	
Dakhue Sanitary Landfill, Dakota County	40		
Flying Cloud Sanitary Landfill, Eden Prairie	40		Consent Order 9/24/85
NL Industries/Taracorp/Golden Auto, St. Louis Park	40	X	Consent Order 2/26/85

<u>Site</u>	<u>Score</u>	<u>NPL</u>	<u>Comments</u>
General Mills/Henkel, Minneapolis	39	X	Consent Order 10/23/84
Nutting Truck & Caster Co., Faribault	38	X	
Tonka Main Plant, Mound	36		
South Andover, Andover	35	X	
Adrian Municipal Well Field	34	P	
Battle Lake Area Sanitary Landfill, Otter Tail	34		
La Grand Sanitary Landfill, Douglas County	34	P	Stipulation Agreement 4/26/83
Maple Plain Dump	34		
Olmsted County Sanitary Landfill	34	P	
Winona County Sanitary Landfill	34	P	
3M Chemolite Cottage Grove	33		Consent Order 5/28/85
Long Prairie Ground Water Contamination	32	P	
St. Louis River/Interlake, Duluth	32	X	
St. Louis River/U.S Steel, Duluth	32	X	Consent Order 3/26/85
Waite Park Ground Water Contamination	32	P	
Agate Lake Scrapyard, Brainerd	31	P	
Atwater Municipal Well Field	31		
Honeywell, Inc., Golden Valley	31		
Koch Refining/N-Ren	31	P	
Kurt Mfg., Fridley	31	P	Consent Order 8/28/84
Isanti Solvent sites, Isanti County	30		
Louisville Sanitary Landfill, Jordan	29		
Western Lake Superior District Landfill/Duluth Dump, St. Louis County	29		
Spring Grove Municipal Well Field	28		
Ritari Post and Pole Company, Wadena County	27		
Electronic Industries, Inc., New Hope	26		Stipulation Agreement 1/24/84
Houston County Sanitary Landfill	25		
Wadena Arsenic Site, Wadena County	25		ERLA funded
Weisman Scrap, Winona	25		
Ashland Oil, Pine County	22		Request for Response Action 12/18/84
Sonford Products, St. Paul Park	22		
Wabasha County Sanitary Landfill	22		
Northwoods Sanitary Landfill, St. Louis County	21		
Askov Ground Water Contamination	18		
Clay County Sanitary Landfill	17		
Hopkins Sanitary Landfill	15		
Meeker County Sanitary Landfill			
Crow Wing County Sanitary Landfill	14		
Waseca County Sanitary Landfill	13		
DNR—Duxbury Pesticide Site, Duxbury	11		
Duluth Missabe & Iron Range Railway, Proctor	11		
Duluth Air Force Base	10		
Greater Morrison Sanitary Landfill, Morrison County	10		
Northwest Refinery, New Brighton	9		
Tonka/Woyke Site, Annandale	9		Request for Response Action 5/30/85
Ford Twin Cities Assembly Plant, St. Paul	8		
White Bear Lake Township Dump, Ramsey County	7		
Minnegasco, Minneapolis	6		
Superior Plating, Minneapolis	6		
McLaughlin Gormley King, Minneapolis	4		
Airco Lime Sludge Pit, Minneapolis	3		
Ecolotech Inc., St. Paul			Consent Order 3/27/84. Existing fire and explosion hazard, score of 61.25.

# OFFICIAL NOTICES

<u>Site</u>	<u>Score</u>	<u>NPL</u>	<u>Comments</u>
43 E. Water St., St. Paul	3		
Hopkins Ag. Chem./Allied Chem., Minneapolis	3		
Ecolotech Inc., Minneapolis			Consent Order 3/27/84. Existing fire and explosion hazard, score of 48.12.
Metals Reduction, St. Paul	2		
Former McKay Mfg. Company, St. Paul	2		
Polymetal Products, Inc., St. Paul	2		

## CLASS D SITES

### Remedial Investigations/Feasibility Studies Necessary or in Progress

<u>Site</u>	<u>Score</u>	<u>NPL</u>	<u>Comments</u>
U.S. Naval Industrial Reserve Ordnance Plant (Navy), Fridley	63	P	Request for Response Action 5/22/84
Twin Cities Army Ammunition Plant/New Brighton/Arden Hills	59	X	Amended Request for Response Action 2/26/85
Reilly Tar, St. Louis Park	59	X	CERCLA funded
Koppers Coke, St. Paul	55	X	
St. Regis Paper, Cass Lake	53	X	Consent Order 2/26/85
Pine Bend/Crosby American Landfill, Inver Grove Heights	52	P	Consent Order 4/23/85
Anoka Municipal Sanitary Landfill, Ramsey	51		Consent Order 5/30/85
Waste Disposal Engineering, Andover	51	X	Consent Order 3/20/84
MacGillis & Gibbs, New Brighton	48	X	ERLA funded
Bell Lumber & Pole, New Brighton	48	X	Consent Order 5/30/85
Burlington Northern, Brainerd	47	X	Consent Order 4/4/85
Ashland Oil, Cottage Grove	46		
Freeway Sanitary Landfill, Burnsville	46	P	
University of Minnesota, Rosemount Research Center	46	P	Response Action Agreement 5/30/85
St. Augusta Sanitary Landfill/St. Cloud Dump, Stearns County	45	P	
Joslyn Mfg., and Supply Co., Brooklyn Center	44	X	Consent Order 5/30/85
Advance Transformer/Ironwood Sanitary Landfill, Spring Valley	43		
Oak Grove Sanitary Landfill, Anoka County	43	P	CERCLA funded
Union Scrap, Minneapolis	43	X	
Kummer Sanitary Landfill, Beltrami County	42	P	CERCLA funded
Shafer Metal Recycling, Minneapolis	41		
Arrowhead Refinery Co., Hermantown	40	X	CERCLA funded
Dakhue Sanitary Landfill, Dakota County	40		
Flying Cloud Sanitary Landfill, Eden Prairie	40		Consent Order 9/24/85
NL Industries/Taracorp/Golden Auto, St. Louis Park	40	X	Consent Order 2/26/85
Nutting Truck and Caster Co., Faribault	38	X	Consent Order 4/26/84
Windom Dump	38	P	
Tonka Main Plant, Mound	36		
South Andover, Andover	35	X	CERCLA funded
Adrian Municipal Well Field	34	P	CERCLA funded
Battle Lake Area Sanitary Landfill, Otter Tail County	34		
La Grand Sanitary Landfill, Douglas County	34	P	Stipulation Agreement 4/26/83
Maple Plain Dump	34		
Olmsted County Sanitary Landfill	34	P	
Winona County Sanitary Landfill	34	P	
3M Chemolite, Cottage Grove	33		Consent Order 5/28/85

<u>Site</u>	<u>Score</u>	<u>NPL</u>	<u>Comments</u>
Long Prairie Ground Water Contamination	32	P	CERCLA funded
St. Louis River/Interlake, Duluth	32	X	CERCLA funded
St. Louis River/U.S. Steel, Duluth	32	X	Consent Order 3/26/85
Waite Park Ground Water Contamination	32	P	ERLA funded
Agate Lake Scrapyard, Brainerd	31	P	CERCLA funded
Atwater Municipal Well Field	31		ERLA funded
East Bethel Demolition Landfill, East Bethel	31	P	
Koch Refining/N-Ren	31	P	Consent Order 10/22/85
Kurt Mfg., Fridley	31	P	Consent Order 8/28/84
Isanti Solvent Sites, Isanti County	30		ERLA funded limited remedial investigation and focused feasibility study
Louisville Sanitary Landfill, Jordan	29		
Western Lake Superior Sanitary District Landfill/Duluth Dump, St. Louis County	29		
Spring Grove Municipal Well Field	28		
Ritari Post and Pole Company, Wadena County	27		
Electronic Industries, Inc., New Hope	26		Stipulation Agreement 1/24/85
Houston County Sanitary Landfill	25		
Weisman Scrap, Winona	25		
Northwoods Sanitary Landfill, St. Louis County	21		
Ashland Oil, Pine County	22		Request for Response Action 12/18/84
Sonford Products, St. Paul Park	22		
Wabasha County Sanitary Landfill	22		
Askov Ground Water Contamination	18		ERLA funded
Clay County Sanitary Landfill	17		
Hopkins Sanitary Landfill	15		
Meeker County Sanitary Landfill	15		
Crow Wing County Sanitary Landfill	14		
Waseca County Sanitary Landfill	13		
Duluth Missabe & Iron Range Railway, Proctor	11		
Duluth Air Force Base	10		
Greater Morrison Sanitary Landfill, Morrison County	10		
Northwest Refinery, New Brighton	9		
Tonka/Woyke Site, Annandale	9		Request for Response Action 5/30/85
Ford Twin Cities Assembly Plant, St. Paul	8		
White Bear Lake Township Dump, Ramsey County	7		
Minnegasco, Minneapolis	6		
Superior Plating, Minneapolis	6		
McLaughlin Gormley King, Minneapolis	4		
Hopkins Ag. Chem./Allied Chem., Minneapolis	3		
Metals Reduction, St. Paul	2		

Notes:

Score—Hazard Ranking System (HRS) score.

NPL—National Priority List. X = Currently listed on NPL. P= Proposed for listing on NPL; score shown is subject to EPA audit.

Comments:

If a Consent Order, Request for Response Action or Stipulation Agreement is indicated, a Responsible Party is undertaking the necessary response actions pursuant to an enforceable document.

If CERCLA or ERLA funding are indicated, the MPCA is using federal or State superfunds, respectively, to finance the necessary response actions being conducted by an MPCA contractor.

## Department of Transportation

### Amended Order No. 70580 and Notice of Street and Highway Routes Designated and Permitted to Carry the Gross Weights Allowed Under Minn. Stat. § 169.825, Trunk Highway 13

Whereas, the Commissioner of Transportation has made his Order No. 68884 as amended by Orders Nos. 69226, 69269, 69270, 69344, 69353, 69595, 69770, 69796, 70006, 70031, 70152, 70455 and 70520 designating and permitting certain street and highway routes, or segments of those routes, to carry the gross weights allowed under Minnesota Statutes § 169.825, and

Whereas, the Commissioner has determined that the additional following routes, or segment of routes, should be designated to carry the gross weights allowed under Minnesota Statutes § 169.825.

IT IS HEREBY ORDERED that Commissioner of Transportation Order No. 68884 is amended this date by adding the following designated streets and highway routes, or segment of routes, as follows:

#### TRUNK HIGHWAYS

T.H.13— From I-35E Easterly to the entrance to the Northern States Power Co. Sibley Propane Plant (Approximately 0.3 miles). (Effective: 12 months)

October 15, 1985

Richard B. Keinz  
(Assistant Commissioner—Finance &  
Administration) for  
Richard P. Braun  
Commissioner

## State Council on Vocational Technical Education

### Meeting Notice

The State Council on Vocational Technical Education will meet at 8:30 a.m. on Thursday, October 24, 1985 in the Conference Room of the Hibbing Campus of the Arrowhead Community College, 1515 East 25th Street, Hibbing, Minnesota.

# STATE CONTRACTS

Pursuant to the provisions of Minn. Stat. § 16.098, subd. 3, an agency must make reasonable effort to publicize the availability of any consultant services contract or professional and technical services contract which has an estimated cost of over \$2,000.

Department of Administration procedures require that notice of any consultant services contract or professional and technical services contract which has an estimated cost of over \$10,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, cost estimate, and completed contract proposal. Certain quasi-state agencies are exempted from some of the provisions of this statute.

Commodities contracts with an estimated value of \$5,000 or more are listed under the Procurement Division, Department of Administration. All bids are open for 7-10 days before bidding deadline. For bid specifics, time lines, and other general information, contact the appropriate buyers by calling 296-6152. If the appropriate buyer is not available, contact Harvey Leach or Barbara Jolly at 296-3779.

## Department of Administration Procurement Division

### Commodities Contracts and Requisitions Currently Open for Bidding

Requisition #	Item	Ordering Division	Delivery Point	Estimated Dollar Amount
26-071-16073 Rebid	Sound Equipment	Mankato State University	Mankato	Contact buyer
26-074-10535	Janitorial Service Contract	Winona State University	Rochester	Contact buyer
07-700-35552	Janitorial Service Contract	Public Safety	St. Paul	Contact buyer
75-250-06982	Boiler Project—Phase 2	Veterans Affairs— Veterans Home	Hastings	Contact buyer
26-175-06338	Steam Boiler	Southwest State University	Marshall	Contact buyer
26-175-06327	Copper Pipe & Tubing	Southwest State University	Marshall	Contact buyer
79-000-49997	Fiberglass Underground Tanks	Transportation	Pipestone	Contact buyer
55-000-93013-3110	Dental Invoice	Human Services	St. Paul	Contact buyer
07-700-36913	Prebill Envelope (w/permit)	Public Safety	St. Paul	Contact buyer
27-145-47438	Willmar Community College Prospectus	Willmar Community College	Willmar	Contact buyer
26-071-15929	Power Sweeper	Mankato State University	Mankato	Contact buyer
78-620-25587	Ice Machines	MN Correctional Facility	Stillwater	Contact buyer
79-000-49655	Opticom Discriminator Modules	Transportation— Electrical Services	St. Paul	Contact buyer
79-000-49654	Conflict Monitors	Transportation— Electrical Services	St. Paul	Contact buyer
Contract	Security System for Outdoor Coverage	MN Correctional Facility	Lino Lakes	\$6,000-\$7,000
26-073-18243	Electronic Information Display System-Outdoor	St. Cloud State University	St. Cloud	Contact buyer
27-153-45485	Microscopes	N. Hennepin Community College	Minneapolis	Contact buyer
Pharmaceuticals	Pharmaceuticals	Various	Various	Contact buyer
55-303-10998	Potty Chair	Human Services— Faribault State Hospital	Faribault	Contact buyer
04-111-29558	Autosampler	Agriculture	St. Paul	Contact buyer
07-300-34776	Fiber Optics Light Guide	Public Safety—Bureau of Criminal Apprehension	St. Paul	Contact buyer

# STATE CONTRACTS

Requisition #	Item	Ordering Division	Delivery Point	Estimated Dollar Amount
12-200-88434	Metrologgers	Health	Minneapolis	Contact buyer
30-000-15583	Purchase of Computer System	Planning Information Center	St. Paul	Contact buyer
79-600-03484	Winter Sand—Winona Area	Transportation	Rochester	Contact buyer
79-600-03483	Winter Sand—Rochester Area	Transportation	Rochester	Contact buyer
29-004-06747, etc.	Used Truck	Natural Resources	St. Paul or New Ulm	Contact buyer
Rebid 79-000-50278	Landscape Materials	Mn/DOT Transportation	St. Paul	Contact buyer
27-151-47264	Rubbish Disposal	Minneapolis Community College	Minneapolis	Contact buyer
Contract	Acetylene and Oxygen Welding Gas	Various	Various	\$10,000-\$15,000
Contract	Presorting Mail by Zip Code	Natural Resources	St. Paul	Contact buyer
Contract	Staples & Stapling Machine	Administration— Central Stores	St. Paul	\$20,000-\$22,000
07-500-34846	Telephone System	Transportation & Public Safety	Thief River Falls	Contact buyer
79-000-49680	Automobiles	Various	Various	Contact buyer
Sch. 113B 55-000-92962	Purchase of Macintosh Computer	Human Services— Management Operations	St. Paul	Contact buyer
Contract	Laundry Service	MN Correctional Facility	Lino Lakes	\$9,000-\$10,000

Contact 296-6152 for referral to specific buyers.

## Department of Energy and Economic Development Energy Division

### Request for Proposals for Biomass Fired Boiler Emission Survey

The Minnesota Department of Energy and Economic Development, Energy Division (DEED/Energy) is requesting proposals from firms interested in working with DEED/Energy on a project to monitor the performance of selected fiber fuel boilers. The objective of this proposal is to document the emissions characteristics of fiber fuel fired boilers now being used in Minnesota. The results of this project will help to define the magnitude of the emissions problem.

Proposals are being requested from qualified firms with experience in the design and implementation of emissions tests for small and intermediate size boiler systems. Emphasis is placed on emissions testing with additional knowledge of boiler design and operations being beneficial.

The formal Request for Proposals (RFP) may be obtained and inquiries should be directed to:

James F. Idzorek  
Department of Energy and Economic Development  
Energy Division  
900 American Center Building  
150 East Kellogg Boulevard  
St. Paul, Minnesota 55101  
Phone: (612) 296-3741

Funds presently available for this work are in the amount of \$21,680.

The deadline for the submission of completed proposal will be 4:30 p.m., November 12, 1985.

## **Department of Energy and Economic Development Governor's Rural Development Council**

### **Request for Proposals to Assess Available Technical Assistance to Rural Small Businesses**

The Minnesota Department of Energy and Economic Development/Governor's Rural Development Council (MN DEED/GRDC) is requesting proposals from qualified individuals and organizations interested in performing a thorough and comprehensive assessment of the resources available to provide management and financial technical assistance to rural small businesses.

This assessment should be completed by June 30, 1986. Proposals are being requested to complete the following major activities:

- A. Narrative Overview of Resources Available
- B. Detailed Analysis of Different Types of Organizations and the Kinds of Technical Assistance Provided
- C. Discussion of the Strengths and Weaknesses of Different Types of Providers
- D. Findings Regarding What Types of Organizations Should Be Providing Assistance to Which Kinds of Businesses
- E. Recommendations For State Action

It is estimated that the cost of this activity need not approach but shall not exceed \$10,000, including travel and expenses and printing costs of the final report. Proposals should be received by MN/DEED/GRDC no later than 4:30 p.m. Friday, November 22, 1985. The formal Request for Proposals document may be requested and inquiries should be directed to:

Jane Stevenson, Program Manager  
Governor's Rural Development Council  
900 American Center Building  
150 East Kellogg Boulevard  
St. Paul, Minnesota 55101  
Phone: (612) 296-3993

## **Department of Human Services**

### **Request for Proposals for Community Services Information System**

The Minnesota Department of Human Services is requesting proposals from organizations and individuals specializing in information systems analysis and management consultation to conduct assessments of major components of the Community Services Information System (CSIS). The work will generate recommendations for enhancing the efficiency of that system and the quality of its output. The Community Services Information System is operational in 74 counties of the state and provides program staff and supervisors with management information pertaining to the delivery of social services, their cost and the persons served. It also includes automated procedures for processing financial transactions.

Specifically, the contractor will provide recommendations to the department regarding one or more of the following tasks listed below. Those recommendations will be considered as the department and the CSIS Advisory Committee establish CSIS System development priorities for the current biennium. Recommendations will be based on: (1) interviews with state and county users of the system, system staff and private contractors responsible for software design and development; (2) review of technical documentation and user procedures manuals; and (3) if appropriate, testing of commercial and custom-designed software.

#### **Contractor(s) Tasks**

##### Group 1: First Priority:

1. Assess the utility of the Social Services Management Reports now generated by CSIS for county welfare directors and supervisors and recommend revisions in the structure, content, and frequency of those reports. Recommendations will reflect detailed interviews with county-level social services managers and technical staff and will specify county management information priorities. (Estimated time: 160 to 240 hours. Deadline: March 31, 1986.)

2. Design and conduct a study of the validity of the fiscal and program data generated by the Community Services Information System. Specifically, the study will assess the degree to which statistical output pertaining to the number of clients per target population and the cost of services to those persons reflects actual counts and accurate calculations produced by any available

## STATE CONTRACTS

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non-CSIS/manual procedures. The study will be conducted in five to ten counties in the state which are using the Community Services Information System. Recommendations for increasing the validity of program and fiscal data will be based on sources of error that may be observed including those related to: (1) the structure and content of data input documents; (2) the design of existing input, output and operations software; and (3) the operational definitions of client descriptions, service types, etc., reflected in the codes used by CSIS. (Estimated time: 200-300 hours. Deadline: March 31, 1986.)

3. Examine the several data input documents and procedures (including input and operations software) now used by CSIS and assess their "user-friendliness," technical/operational efficiency and compatability. Recommendations for needed changes will reflect the results of detailed interviews with county technical staff and should focus on methods for minimizing input and output error and streamlining operations. Data input forms/procedures include: (1) the case information form, (2) the client information turnaround, (3) the substitute care and adoptions turnaround, (4) the MR Waiver Screening Form, and (5) the elderly pre-admission screening form. (Estimated time: 120-200 hours. Deadline: March 31, 1986.)

4. Assess the content, format and style of the User Procedures Manuals available to CSIS users and recommend any additions, deletions or modifications that may enhance "user friendliness" and increase technical efficiency at the county level. Recommendations will reflect detailed interviews with technical and professional county and state agency staff. Manuals include: (1) the Social Service Worker Manual; (2) the Basic CSIS Data Entry/Processing Manual; (3) the Data Entry/Processing Manual for Waivered Services; (4) the Data Entry/Processing Manual for Vendor Payments; and (5) the Administrative Manual for CSIS. (Estimated time: 120-200 hours. Deadline: March 31, 1986.)

### Group 2: Second Priority

1. Examine several "report generator" software packages now commercially available and provide the Department of Human Services and the CSIS Advisory Committee with recommendations pertaining to the feasibility of using such software to generate county-specific output from the CSIS data files. In addition to examining the commercial documentation provided with each software package, the consultant may also be asked to test the software. Software packages will be evaluated on the basis of several criteria, including the ease with which output reports can be generated by the non-technical user, cost and usefulness to county managers. (Estimated time: 25-75 hours. Deadline: March 31, 1986.)

2. Examine the technical and financial implications of maintaining CSIS software in COBOL and evaluate the advantages and disadvantages to Minnesota's system of translating the COBOL software into another recognized computer language. Evaluation criteria will include: (1) the amount of increased technical efficiency anticipated; (2) the cost of software development for translation; and (3) the long-range fiscal implications of operating the new language. (Estimated time: 40-120 hours. Deadline: May 31, 1986.)

3. Examine alternative hardware options that are now commercially available and provide the Department of Human Services and the CSIS Advisory Committee with recommendations related to increased efficiency especially as they pertain to the needs of counties with small social services caseloads. Are stand-alone systems which use microcomputers for data storage and processing a feasible option for small counties? If so, what state-level computer support and training would be required to maximize data quality and uniformity? Should other mainframe options be considered for statewide data processing applications? (Estimated time: 40-120 hours. Deadline: May 31, 1986.)

The Department of Human Services may elect to contract with more than one vendor to complete the tasks specified above. A final report for each task that is the responsibility of the contractor(s) will be due on the date specified and will include overall recommendations about CSIS System development priorities as they relate to the task or the set of tasks. All recommendations will include estimates of immediate cost to the state of Minnesota and the counties which use the community services information system as well as discussion of any long term fiscal implications.

The Department of Human Services also reserves the right not to award a contract in accordance with this request for proposals, or to award a contract or contracts only with regard to selected tasks listed above.

Proposals from interested organizations and persons should include: (1) a detailed statement describing the applicant's experience in information system development and evaluation; (2) a brief statement about the evaluation procedures and criteria that might be used to address each of the tasks that the vendor chooses to bid on; (3) detailed resumes of all persons likely to be involved in the work related to the contract, and (4) the hourly rates of all persons involved in the completion of the task(s), a rough estimate of the overall cost of completing each task, and a detailed statement of the distribution of that estimated cost across the employees completing the work. Applicants may also choose to supplement this information with separate bids on any group of tasks.

The total amount to be expended by the Department of Human Services for the contract(s) written as a result of this request for proposals is estimated to be \$45,000.

If necessary, the Department of Human Services will meet collectively with applicants ranking highest after screening to discuss in more detail the expectations of the contractor(s). Final selection will be made after individual interviews.

Preference will be given to consulting organizations or individuals that: (1) can demonstrate knowledge of Minnesota's state-supervised, county-administered social services delivery system; (2) have knowledge of the technical environment of human services information systems; (3) can provide information about the technical characteristics of human services information systems in other states for comparison; (4) have relevant human services development experience and suitable qualifications; and (5) have the capacity to take on the responsibility for several technically and conceptually related tasks.

Responses to this request for proposals should be submitted to the Department of Human Services by November 13, 1985 and sent to:

Jim Franczyk, Ph.D., Director  
Operations Division/Community Social Services  
Minnesota Department of Human Services  
4th Floor, Centennial Building  
St. Paul, Minnesota 55101  
Phone: (612) 296-2785

## **Department of Energy and Economic Development Energy Division**

### **Request for Proposals for Biomass Fired Boiler Emission Survey**

The Minnesota Department of Energy and Economic Development, Energy Division (DEED/Energy) is requesting proposals from firms interested in working with DEED/Energy on a project to monitor the performance of selected fiber fuel boilers. The objective of this proposal is to document the emissions characteristics of fiber fuel fired boilers now being used in Minnesota. The results of this project will help to define the magnitude of the emissions problem.

Proposals are being requested from qualified firms with experience in the design and implementation of emissions tests for small and intermediate size boiler systems. Emphasis is placed on emissions testing with additional knowledge of boiler design and operations being beneficial.

The formal Request for Proposals (RFP) may be obtained and inquiries should be directed to:

James F. Idzorek  
Department of Energy and Economic Development  
Energy Division  
900 American Center Building  
150 East Kellogg Boulevard  
St. Paul, Minnesota 55101  
Phone: (612) 296-3741

Funds presently available for this work are in the amount of \$21,680.

The deadline for the submission of completed proposal will be 4:30 p.m., November 12, 1985.

## **Department of Human Services Office of Child Support Enforcement**

### **Request for Proposals to Train Child Support Collection Systems Staff**

The Office of Child Support Enforcement is seeking proposals for training of county staff on the child support collection system. Project tasks include:

- Preparation of training material for 33 counties for child support collection system.
- Delivery of training to small groups (15) in a hand-on mode using IBM 3270 terminals. Training will be conducted during February, 1985. Sessions would be 2-3 days in duration. 100+ people expected for training.
- Support during March, 1986 for training system (model of production system) to include phone consultation.

The proposal shall be bid as a single package—one total price for all project tasks. The project is assumed to be approximately 5 months in duration, with a cost estimate of about \$22,000.

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## STATE CONTRACTS

This request for proposal does not obligate the State to complete the project, and the State reserves the right to cancel the solicitation if it is considered to be in its best interest.

Additional information may be obtained by contacting:

Kenneth W. Hasledalen  
MIS Manager  
Information Management Resources Division  
444 Lafayette Road  
St. Paul, Minnesota 55164  
612/296-6665

Proposals will be accepted until 4:00 p.m., November 11, 1985.

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## STATE GRANTS

In addition to requests by state agencies for technical/professional services (published in the State Contracts section), the *State Register* also publishes notices about grant funds available through any agency or branch of state government. Although some grant programs specifically require printing in a statewide publication such as the *State Register*, there is requirement for publication in the *State Register* itself.

Agencies are encouraged to publish grant notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

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## Waste Management Board

### Submission Deadline for Applications for Hazardous Waste Reduction Grants

Under Minnesota Statutes § 115A.154 (1984), the Waste Management Board is authorized to make grants to generators of hazardous waste in the State for studies to determine the feasibility of applying specific methods and technologies to reduce the generation of hazardous waste.

Notice is hereby given that the deadline for the receipt of completed applications is January 15, 1986.

Additional information on the program and a copy of the application form and procedures manual is available from:

Ken Stabler  
Waste Management Board  
123 Thorson Community Center  
7323 58th Avenue North  
Crystal, MN 55428  
(612) 536-0816

Bill Walker, Chairman  
Waste Management Board

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## SUPREME COURT CALENDAR

Listed below are the cases scheduled to be heard by the Minnesota Supreme Court in the next few weeks. This listing has been compiled by the Minnesota State Law Library for informational purposes only. Cases may be rescheduled by the Court subsequent to publication in the *State Register*. Questions concerning dates, locations, cases, etc., should be directed to: Clerk of the Appellate Courts, Room 230 State Capitol, St. Paul, MN 55155 612-296-2581.

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### NOVEMBER, 1985

#### MONDAY, NOVEMBER 4, 1985

84-1826 Brandhorst, Ernest C., et al (Attorney: Peterson, Engberg & Peterson and Joseph B. Nierenberg) vs. Special School District No. 1 (Attorney: Fredrikson & Byron and Frederick E. Finch). 9:00 a.m. State Capitol, St. Paul. ORIGIN: Court of Appeals.

Does the Minnesota Court of Appeals have jurisdiction to review, by writ of certiorari, Boards of Education discharge proceedings against tenured teachers?

Does the Teacher Tenure Act for Cities of the First Class require petitioner-appellant school district to restructure existing teaching positions and to subject employees to involuntary reassignment in order to ensure the continued employment of displaced employees? [Issue as in brief of Special School District No. 1]

Does the Teacher Tenure Act for Cities of the First Class require the school district to promote a teacher whose position has been terminated to a position with a longer work year?

**85-61 In the Matter of the Application for the Discipline of George C. Gubbins, Jr. (Attorney: Wernz, William J., Director of Lawyers Professional Responsibility Board) (Opposing Counsel: Gubbins, George C.).** 9:00 a.m. State Capitol, St. Paul. ORIGIN: Petition for Disciplinary Action.

What discipline is appropriate for respondent's misappropriation of client funds, commingling of funds, failure to keep required books and records and other alleged misconduct?

**84-1466 Strand, Arlene M., et al (Attorney: Peterson, Engberg & Peterson and Joseph B. Nierenberg) vs. Special School District No. 1 (Attorney: Fredrikson & Byron and Frederick E. Finch).** 9:00 a.m. State Capitol, St. Paul. ORIGIN: Court of Appeals.

Does the Minnesota Court of Appeals have jurisdiction to review by writ of certiorari decisions of Boards of Education under the Teacher Tenure Act for Cities of the First Class?

Was the petitioner school district required by the Teacher Tenure Act for Cities of the First Class to subject an employee to an involuntary reassignment to provide a less senior employee with a position for which she was licensed?

Does the Teacher Tenure Act for Cities of the First Class require discharge of tenured teachers on the basis of age? [All issues as stated in the brief of Special School District No. 1]

## **TUESDAY, NOVEMBER 5, 1985**

**85-801 In the Matter of the Welfare of D.L.K., Child (Attorney: Ketola, Marvin, Carlton County Attorney) (Opposing Counsel: Dunnwald, Thomas G., Indian Legal Assistance).** 9:00 a.m. State Capitol, St. Paul. ORIGIN: Court of Appeals.

Did D.L.K. use force to accomplish sexual contact within the meaning of Minn. Stat. 609.345(C) (criminal sexual conduct in the fourth degree), when he grabbed his female victim's breast and pinched it hard enough to inflict physical pain?

**85-801 Metropolitan Rehabilitation Services, Inc. (Attorney: Johnson, Robert R.) vs. Westberg, Gladys, Director of Rehabilitation Services, Dept. of Labor & Industry (Attorney: Altman, Leslie M., Special Assistant Attorney General).** 9:00 a.m. State Capitol, St. Paul. ORIGIN: Order Workers' Compensation Court of Appeals.

Does Minnesota Rules 5220.1400, subpart 5 (1984), prohibiting a qualified rehabilitation consultant from working for a vendor, fully comport with the right to freedom of association? [Issue as stated in brief of respondent, Westberg]

## **WEDNESDAY, NOVEMBER 6, 1985**

**84-1605 County of Hennepin on Behalf of Tammie Lea Bartlow (Attorney: Johnson, Thomas L., County Attorney and Mark Chapin) vs. Brinkman, Dennis (Attorney: Kennedy, William R., Hennepin County Public Defendant and David M. Duffy).** 9:00 a.m. State Capitol, St. Paul. ORIGIN: Court of Appeals.

Did the Court of Appeals err when it determined that the legislature intended to preclude judgments by default as a sanction for a defendant's willful failure to comply with court-ordered blood tests in a paternity action? [As in brief of County of Hennepin]

Did the trial court abuse its discretion when it ordered judgment by default against a defendant who willfully failed on two occasions to comply with court-ordered blood tests in a paternity action? [As in brief of County of Hennepin]

Did the trial court err when it granted a default judgment on the issue of paternity without hearing oral testimony, when the plaintiff had signed under oath a verified paternity petition, was personally present in the courtroom, and the defendant had failed to answer the petition? [As in brief of County of Hennepin]

**84-2128 State of Minnesota (Attorney: Jennings, Paul R., Assistant Hennepin County Attorney) vs. Murphy, Marshall Donald (Attorney: Rademacher, Brian I., Assistant Public Defender).** 9:00 a.m. State Capitol, St. Paul. ORIGIN: Judgment Hennepin County.

Was appellant's Minn. Const., Art. I, Sec. 7 privilege against self incrimination violated in confessing a rape-murder to his probation officer?

Did the evidence properly show, and was the jury properly instructed as to the elements of murder in the first degree?

Was appellant improperly denied an instruction on the lesser offense of third degree murder? [All issues as in brief of respondent, State of Minnesota]

# SUPREME COURT CALENDAR

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## THURSDAY, NOVEMBER 7, 1985

**84-2079 Morgan, John Pierpont, Jr. (Attorney: Lindquist & Vennum and Terrence J. Fleming) vs. State of Minnesota (Attorney: Kempainen, Paul R., Special Assistant Attorney General).** 9:00 a.m. State Capitol, St. Paul. ORIGIN: Order Cass County.

Did the post-conviction court properly deny appellant's petition without a hearing, where the files and records as a whole show that appellant is entitled to no post-conviction relief on the issues raised in his petition? [Issue as stated in brief of respondent, State of Minnesota]

**84-1661 State of Minnesota (Attorney: Wolfe, Beverly J., Assistant Hennepin County Attorney) vs. Berndt, Orville Jr. (Attorney: Knutson, David, Assistant Hennepin County Public Defender).** 9:00 a.m. State Capitol, St. Paul. ORIGIN: Order and Judgment Hennepin County.

Did the failure of the state to provide results of scientific tests requested by the defense that were crucial to the presentation of the defense require reversal and a new trial?

Should evidence taken from Skip Berndt's home pursuant to a warrantless search be suppressed?

Did the introduction of the bad character of Skip Berndt, the delay in charging, the request by the state of the jury to speculate, and the improper final argument by the state, prejudice Skip Berndt and deny him a fair trial?

Was the evidence sufficient to sustain a verdict of guilty of murder in the first degree? [All issues as stated in brief of appellant, State of Minnesota]

## TUESDAY, NOVEMBER 12, 1985

**84-77 Tell, Wilbern Philip (Attorney: Smith, Juster, et al, and J. Christopher Cuneo) vs. Tell, Patricia Elizabeth (Attorney: Alderman, Robert R.).** 9:00 a.m. State Capitol, St. Paul. ORIGIN: Court of Appeals.

Where the best interests of the children and the equities of the situation are inconsistent with payments of "support" by a custodial parent to a non-custodial parent who agreed to the change of custody, but not to cessation of child support, does Dent v. Casaga nevertheless require such payments to be made until such time as the litigation over modifications of the judgment and decree has finally terminated?

Where there was clearly a good faith dispute over the continuing "support" obligations and there had been no post-decree order requiring payments to be made, was it proper to hold appellant in contempt of court for not making "support" payments after he became the custodial parent? [Issues as in brief of appellant, Wilbern Philip Tell]

**85-946 Kramer, Mary (Attorney: Koll, McCoy, et al, and Kenneth McCoy) vs. State of Minnesota, Peace Officers' Benefit Fund (Attorney: Forsman, Jacob E., Workers' Compensation Division).** 9:00 a.m. State Capitol, St. Paul. ORIGIN: Order Worker' Compensation Court of Appeals.

Does the sentence "eligibility to receive benefits as herein provided shall be determined by the Workers' Compensation Court of Appeals in the manner provided by Minnesota Statutes 1971, Chapter 176" manifest legislative intent that the substantive Workers' Compensation law be applied, or does it indicate that the Legislature intended that the Workers' Compensation Court of Appeals be permitted to follow its usual procedures?

Did the legislature intend that "line of duty" mean the same as the workers' compensation standard of "course and scope of employment"?

Is a police officer who suffers a work-related heart attack and dies after suffering two additional heart attacks which are not work-related "killed in the line of duty" within the meaning of Minn. Stat. Chapter 352E?

## WEDNESDAY, NOVEMBER 13, 1985

**84-1047, 84-1048, 84-1049 Tobias, Joanne Furman, Roger J. Tobias, and Dale L. Koch (Attorney: Edward J. Hance Law Offices and Joel T. LeVahn) vs. Montgomery Ward and Company, Inc. (Attorney: Messerli & Kramer and Paul M. Begich).** 9:00 a.m. State Capitol, St. Paul. ORIGIN: Court of Appeals.

Does an employer's mere entrustment of a personnel manual to management employees, who are to use and understand the manual to implement employer policies, create a binding contract with the management employee, the terms of which are governed by the personnel manual?

Does acceptance of, and consideration for, a contract benefit exist, when employees are never informed that they are entitled to the benefit and continue their employment knowing the benefit would not be provided? [All issues as stated in brief of appellant, Montgomery Ward & Co.]

**84-436 Florenzano, Judie C. (Attorney: Broeker & Grant and Samuel D. Orbovich) vs. Olson, Frederick and Bankers**

**Life Company (Attorney: Dorsey & Whitney and George G. Eck and Roy S. Ginsburg).** 9:00 a.m. State Capitol, St. Paul. ORIGIN: Court of Appeals.

Was the trial court correct in applying the Minnesota Comparative Act, Minn. Stat. 604.01, to an innocent misrepresentation that was made negligently, without an intent to deceive? [As stated in brief of respondent, Frederick Olson]

**THURSDAY, NOVEMBER 14, 1985**

**84-1333 Gulati, Romesh (Attorney: Doshan & Lord and Michael D. Doshan) vs. Burlington Northern Railroad Company (Attorney: McReynolds, Michael P.).** 9:00 a.m. Hamline Law School. ORIGIN: Court of Appeals.

The trial court certified the following question to the court of appeals as important and doubtful: "Does the Railway Labor Act and/or the Federal Employers' Liability Act preempt state court jurisdiction over respondent's claim of intentional infliction of emotional distress?"

The Court of Appeals ruled that: the Federal Employers' Liability Act does not preempt state court jurisdiction over claims of intentional infliction of emotional distress; and

That the Railway Labor Act does preempt a claim for intentional infliction of emotional distress resulting from a discharge of employment.

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## SUPREME COURT DECISIONS

### Decisions Filed Friday, October 11, 1985

Compiled by Wayne O. Tschimperle, Clerk

**C3-83-2002 State of Minnesota, Petitioner, Appellant v. Gary Curtis Fuller. Court of Appeals.**

Double jeopardy of clause of Minnesota Constitution does not bar retrial of criminal defendant who obtained mistrial following unintentional—at worst, negligent—elicitation of inadmissible evidence by prosecutor.

Reversed and remanded for trial. Peterson, J.

Concurring specially, Kelley, J.

Dissenting, Wahl, J.

Took no part, Yetka, J.

**C4-85-473 Theresa Jackson, Relator v. Red Owl Stores, Inc., and Commercial Union Assurance Company and Red Owl Stores, Inc., and Hartford Insurance Company, and Steve Keefe, Commissioner of the Department of Labor and Industry, Intervenor. Workers' Compensation Court of Appeals.**

The commissioner of the Department of Labor and Industry and the Medical Services Review Board may not, without stipulation by the parties, resolve issues of either primary liability or medical causation in workers' compensation claims. Such issues are solely within the authority of a compensation judge.

In the absence of a stipulation, a decision by the commissioner concerning primary liability or medical causation is not binding on the parties and has no res judicata or collateral estoppel effect.

Reversed and remanded. Yetka, J.

**C1-83-1835 Rose Marie Morey, Petitioner, Appellant v. Gilbert Peppin. Court of Appeals.**

A formal award of custody is an integral part of paternity proceedings instituted to obtain support for the minor child. Minn. Stat. § 257.66, subd. 3 (1984).

Competing claims for custody are resolved by holding an evidentiary hearing and determining custody according to the criteria set out in Minn. Stat. § 518.17 (1984) if the claims are asserted at the time of the adjudication of paternity; thereafter, the noncustodial parent must petition for a change of custody in accordance with Minn. Stat. § 518.18 (1984).

Reversed and judgment of the trial court reinstated. Coyne, J.

# ERRATA

## Department of Administration State Register and Public Documents Division

### Notice of Collation Error in Some Issues of the October 14 *State Register*; and Notice of October 16 Reprinting of October 14 *State Register*

An error occurred during the press run of the October 14, 1985 issue of the *State Register* (Volume 10, #16). Some, but not all, of the copies of that issue are missing some pages, with other pages printed twice.

Last week, we reprinted the issue in its entirety (Volume 10, #16R, October 16, 1985) in order to cover state agency legal needs for public notice for hearings and comment periods. All public hearings scheduled originally still meet legal requirements for 30 days public notice. However, the effective date of one adopted rule has changed as indicated below.

The missing pages of the *State Register* are:

- 893-900      PCA proposed rules on noise control  
                 Teaching Board proposed rules on teaching licensure  
                 These agencies have scheduled hearings on the proposed rules.  
                 The hearings do not need to be rescheduled.
- 924-932      Human Services emergency adopted rules on the work readiness program. These rules took effect five working days after the Attorney General approved them, and are not affected by the *State Register* publishing date.  
  
                 PCA adopted rules relating to hazardous waste—These are permanent rules that take effect five working days after publication in the *State Register*. Their new effective date is October 23, 1985, five working days after the publication date of the revised, correct issue of the *State Register*.

The reprinted pages are: 885-891      (PCA proposed rules on wastewater treatment)  
   993-940      (State contracts, Supreme Court, Tax Court)

Accidental reprinting does not affect these items legally.

The entire Official Notices section was missing in some issues of the October 14 *State Register*. Reprinting of the *State Register* on October 16, 1985 satisfied all legal requirements for public notice of these notices. No hearings or meetings need to be rescheduled.

## Department of Labor & Industry

### Correction of Rule Relating to Workers' Compensation; Fees for Medical Services

The following was inadvertently left out of the September 30, 1985 printing of these rules (Volume 10, Issue 14) [S.R. 765]:

#### 5221.2900 CHIROPRACTORS.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Radiology.** The following codes, service descriptions, and maximum fees apply to radiology services, and include both the technical and professional (interpretive) components of the service.

#### Chest

Code	Service	Maximum Fee
71010	Radiologic examination, chest; (single view, posteroanterior)	\$ 25.00
71100	Radiologic examination, ribs, unilateral; two views	86.00
Spine and Pelvis		
72010	Radiologic examination, spine, entire, survey study (14 × 36, anteroposterior and lateral)	<del>\$ 90.00</del> 55.00
72020	Radiologic examination, spine, single view, (specify level)	40.00
72080	thoracic, limited (anteroposterior and lateral)	44.00
72090	scoliosis study, comprehensive	40.00

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**ERRATA**

72100	Radiologic examination, spine; lumbar, limited (anteroposterior and lateral)	56.00
	Upper Extremities	
73020	Radiologic examination, shoulder; limited (one projection)	\$ 30.00
73120	Radiologic examination, hand	25.00
	Lower Extremities	
73500	Radiologic examination, hip; limited (one view)	\$ 22.00
73610	Radiologic examination, ankle; comprehensive (minimum of three views)	48.00
	Miscellaneous	
76140	Consultation on x-ray examination made elsewhere, written report	\$ 30.00
	Subp. 4. [Unchanged.]	

## ORDER FORM

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## FOR LEGISLATIVE NEWS

Publications containing news and information from the Minnesota Senate and House of Representatives are available free to concerned citizens and the news media. To be placed on the mailing list, write or call the offices listed below:

### SENATE

**Briefly/Preview**—Senate news and committee calendar; published weekly during legislative sessions.

**Perspectives**—Publication about the Senate.

Contact: Senate Public Information Office  
B29 State Capitol, St. Paul, MN 55155  
(612) 296-0504

### HOUSE

**Session Weekly**—House committees, committee assignments of individual representatives; news on committee meetings and action. House action and bill introductions

**This Week**—weekly interim bulletin of the House.

Contact: House Information Office  
Room 8 State Capitol, St. Paul, MN 55155  
(612) 296-2146

Legislative Reference Library  
Attn: Zona DeWitt  
645 State Office Bldg.

**interoffice**